

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff,

v.

ERIC MONCADA; BES CAPITAL LLC; and  
SERDIKA LLC.

Defendant(s).

Civil Action No. 12-cv-8791 (CM)  
(GWG)

11/10/14

11/10/2014  
Granted  
[Signature]

MEMO ENDORSED

**PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S**  
**MOTION TO FILE MEMORANDUM EXCEEDING 25 PAGES**

Plaintiff U.S. Commodity Futures Trading Commission ("CFTC") respectfully requests that this Court grant permission to file its Memorandum in Support of Motion for Summary Judgment in excess of 25 pages. In support of this motion, the CFTC states:

1. Pursuant to Local Rule 7.1 and Your Honor's Individual Practices and Procedures I.V.(C), Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment Against Defendant Moncada is limited to 25 pages unless the party requests that the Court permit the filing of a memorandum in excess of the page limit in writing, five days before the due date for filing the Motion.

2. The CFTC filed a ten (10) count complaint alleging that the Defendants attempted to manipulate the December 2009 #2 Soft Red Winter Wheat Futures Contract ("December 2009 Wheat Futures Contract") on eight (8) separate days in October 2009 in violation of Sections 6(c), 6(d) and 9(a)(2) of the Commodity Exchange Act ("Act"), 7 U.S.C. §§ 9, 13(b) and 13(a)(2) (2006), and engaged in fictitious sales and non-competitive transactions on four separate days in October 2009 in violation of Section 4c(a) of the Act, 7 U.S.C. § 6c(a) (2006) and

Commission Regulation 1.38(a), 17 C.F.R. § 1.38(a) (2012).

3. This case involves extensive amounts of trade data for the December 2009 Wheat Futures Contract. The trade data for each relevant day exceeds one million lines of data. In addition, the parties took five depositions, including two expert witnesses.

4. Because of the complex nature of the ten count complaint, the need to explain and summarize the voluminous trade data, and the need to provide some background and context to the contract market at issue, more than twenty-five (25) pages is required for Plaintiff to adequately present its Memorandum in Support of Plaintiff's Motion for Summary Judgment.

5. Accordingly, Plaintiff requests permission to file its Memorandum in Support of Plaintiff's Motion for Summary Judgment containing at most 50 pages, exclusive of table of contents and table of authorities.

6. Plaintiff consulted with Defense Counsel who stated that he has no position on this extension for page limit request.

WHEREFORE, Plaintiff requests the entry of an order granting permission to file a memorandum in excess of the page limit.

Dated this 9<sup>th</sup> Day of January, 2014

Respectfully submitted,

/s/ Andrew Ridenour

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and U.S. District Court for the Southern District  
of New York Bar No. RG8652)

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